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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,839

12/21/2004

Keith Baker

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7590

01/11/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BAIG, SAHAR A

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

01/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/518,839	BAKER, KEITH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sahar A. Baig	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/06/2005</u>  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 19 rejected under 35 U.S.C. 101 because claim of a computer program is not patentable.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1, 3, 4, 7, 8, 10, 16, 17, and 19 rejected under 35 U.S.C. 102(e) as being anticipated by Borden, IV et al. (US Patent No. 6,857,128).

Regarding Claim 1, 3, 4, 7, 8, 10, 16, 17, and 19 Borden discloses a method of displaying information in cells of a grid electronic program guide **Figure 5**, the method comprising the steps of: storing a banner with the information for each cell **94** of the grid electronic program guide [**Col. 5 lines 50-52**]; selecting at least one cell [**Col. 3 lines 41-50**]; and rotating the banner in each cell in the at least

one selected cell **[Col. 5 lines 19-25]**; to display the banner a predetermined number of times **[Col. 6 lines 30-32]**.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2, 9, 11, and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Borden, IV et al. (US Patent No. 6,857,128).

Regarding Claim 2 and 11, Borden discloses that the banner is an animated file. Although it is not explicitly taught that the file is in a GIF format, it would have been obvious to one of ordinary skill in the art to include such a feature because it is an industry standard.

Regarding Claim 9 and 18, jittering the rotation speed of some banners is taught in Borden **[Col. 6 lines 24-30; *The various display screen appearances and scrolling effects described in conjunction with FIGS. 3-10 can be implemented by applying known computer graphics techniques to a particular arrangement of the schedule data by CPU 172*]**. It would have been obvious to one of ordinary skill in the art to use these techniques to make it difficult to read by the user.

6. Claim 5, 6, 14, and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Borden, IV et al. (US Patent No. 6,857,128) in view of Boyer et al. (US Patent Publication No. 2003/0066085).

Regarding Claim 5, 6, 14, and 15, Borden discloses all of the claimed limitations except that the column of cells closest to the current time is selected. In an analogous art, Boyer discloses a television guide system wherein listing for programs is presented according to the programs that are currently being broadcasted **[0102]**. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Borden and Boyer to display program listings in a consecutive order starting with the currently broadcasted events.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It includes Im (US Patent Publication No. 2002/0083449) and Bedard (US Patent Publication No. 5,793,438).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahar A. Baig whose telephone number is 571-270-3005. The examiner can normally be reached on 4/5/9.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB

  
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